

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ADRIAN HOYLE

PLAINTIFF

v.

CIVIL ACTION NO. 3:21-CV-171-NBB-RP

**CITY OF HERNANDO, SCOTT WORSHAM,
in his Official Capacity as Chief of Police of the
Hernando Police Department, OFFICER
LYNN BROWN AND OFFICER HUNTER SOLOMON,
Individually and in their Official Capacities as
Hernando Police Officers, and JOHN DOES 1-25**

DEFENDANTS

PARTIAL JOINDER

COMES NOW, Defendant, Officer Hunter Solomon, in his Individual and Official Capacities, by and through counsel, and files this his Partial Joinder in the following:

1. Municipal Defendants' Motion for Judgment on the Pleadings or Alternatively, for Summary Judgment [**Doc. 12**] and accompanying Memorandum in Support of Motion for Judgment on the Pleadings or Alternative, for Summary Judgment [**Doc. 13**].

This Defendant hereby adopts and incorporates by reference all assertions, arguments, and requests for relief made by the Municipal Defendants in [**Docs. 12 & 13**] as it relates to the unlawful arrest claim against the individual officers. Defendant would note that it appears Plaintiff has conceded that he is not making such a claim. [**Doc. 26, pgs. 12, 27-29**]. This Defendant does not join in the remainder of the individual federal law claims.

As for the state law claims particularly, this Defendant was, at all times, acting within the course and scope of his duties and is immune from liability under the police function exemption as articulated by the Municipal Defendants in their Memorandum of Authorities [**Doc. 13**] and files this

Partial Joinder hereby adopting and incorporating by reference all assertions, arguments, and requests for relief made by the Municipal Defendants in **[Docs. 12 & 13]** as it relates to the state law claims against the individual officers. If, for the purposes of state law, the Plaintiff stipulates that he is only filing his state law claim against the City of Hernando and not Officer Solomon personally **[Doc. 23]**, Defendant Solomon is agreeable to the same.

As for the Plaintiff's claim for punitive damages, this Defendant files this Partial Joinder hereby adopting and incorporating by reference all assertions, arguments, and requests for relief made by the Municipal Defendants in **[Docs. 12 & 13]** as it relates to the punitive damages requests against the individual officers in their official capacities.

RESPECTFULLY SUBMITTED this the 19th day of October, 2021.

JACKS| GRIFFITH| LUCIANO, P.A.

By: /s/ **Bethany A. Tarpley**
Bethany A. Tarpley, MS Bar No. 104134
Daniel J. Griffith, MS Bar No. 8366
Attorneys for Defendants

Of Counsel:

JACKS| GRIFFITH| LUCIANO, P.A.

150 North Sharpe Street
P. O. Box 1209
Cleveland, MS 38732
Phone No. 662-843-6171
FAX No. 662-843-6176
Email: btarpley@jlpalaw.com
dgriffith@jlpalaw.co

CERTIFICATE OF SERVICE

I, Bethany A. Tarpley, attorney of record for Defendants, do hereby certify that I have this day caused a true and correct copy of the above and foregoing *Partial Joinder to [Docs. 12 & 13]* to be delivered by the ECF Filing System which gave notice to the following:

Martin Zummach, Esq.
Sparkman-Zummach, P.C.
Email: martin@sparkman-zummach.com
Attorney for Plaintiff

Murray B. Wells, Esq.
Wells & Associates, PLLC
Email: wells@thewellsfirm.com
Attorney for Plaintiff

G. Todd Butler, Esq.
Mallory K. Bland, Esq.
Phelps Dunbar
Email: Todd.Butler@phelps.com
Mallory.Bland@phelps.com

Attorney for City of Hernando, Scott Worsham, Officer Lynn Brown

DATED this the 19th day of October, 2021.

/s/ **Bethany A. Tarpley**
Bethany A. Tarpley